

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

OPERATING ENGINEERS LOCAL NO. 147	)	
HEALTH FUND and OPERATING ENGINEERS	)	
LOCAL NO. 147 ANNUITY FUND,	)	
	)	
Plaintiffs,	)	NO. 3:11-0565
	)	JUDGE HAYNES
v.	)	
	)	
FORD PILE FOUNDATIONS, INC.,	)	
	)	
Defendant.	)	


**O R D E R**

Upon notice of voluntary nonsuit (Docket Entry No. 10) and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, this action is hereby **DISMISSED without prejudice**.

Each party shall bear its own costs.

It is so **ORDERED**.

**ENTERED** this the 15<sup>th</sup> day of August, 2011.

  
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WILLIAM J. HAYNES, JR.  
United States District Judge